

REMARKS

Claims 1-20 are pending and rejected in this application. Claims 1, 8 and 18 are amended hereby.

Responsive to the Examiner's rejection of claims 4 and 12 under 35 U.S.C. §112, second paragraph, Applicant respectfully traverses the rejection, and submits that claims 4 and 12 are definite and do particularly point out and distinctly claim the subject matter of Applicant's invention, and are in condition for allowance. In support thereof, Applicant indicates that it is an accepted practice of claiming in the alternative to utilize the phrase "one of" to thereby show that the claim is directed to alternate constructs. The Applicant is not claiming that the tube projects substantially through the cavity and entirely through the cavity, rather the claim indicates that one of those two conditions exist. When claiming in the alternative, such as in claims 4 and 12, there is an indication that one of X and Y exists (e.g., X = substantially through the cavity and Y = entirely through the cavity). This is the grammatical equivalent of an exclusive or situation in which one or the other constructs exclusively define the invention as claimed in the subject claim. The use of alternative language in a claim is well established, and Applicant submits that claims 4 and 12 are in allowable form, the allowance of which is respectfully requested.

Responsive to the rejection of claims 1, 3-5, 7, 8, 10-13 and 15 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 2,847,792 (Kuhlmann) and U.S. Patent No. 4,359,836 (Yuji), Applicant has amended claims 1 and 8, and submits that claims 1, 3-5, 7, 8, 10-13 and 15 are now in condition for allowance.

Kuhlmann discloses a fishing float (Fig. 2) including a hemispherical shell 12 having a cup shaped cylindrical portion 27 into which extends one end of tube 17 to define an annular recess 28. Disposed within annular recess 28 is a permanent magnet 29 made of magnetized

metals. Ring magnet 29 is formed to tightly fit within recess 28. The depth of cup shaped recess 28 of shell 12 is greater than the thickness of annular magnet 29 inserted therein so as to receive a keeper 30. Magnet 29 normally retains keeper 30 within annular recess 28 (column 2, lines 32-49).

Yuji discloses a fishing float (Figs. 1-3) in which apertures 3 are formed at the upper end and lower center of main body 1. A pipe 4 is inserted between apertures 3 and is secured in a water tight manner with the hollow space of main body 1 (column 2, lines 25-28).

In contrast claim 1, as amended, recites in part:

a flotation body with an open unfilled cavity therein; and

a tube at least partially projecting into said cavity.

(Emphasis added). Applicant submits that such an invention is neither taught, disclosed nor suggested by Kuhlmann, Yuji or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Kuhlmann discloses a fishing float with a magnetized ring magnet tightly fit within a recess with a keeper within an angular recess. Yuji discloses a fishing float with a pipe inserted in a water-tight manner with a closed hollow space surrounding the pipe. Kuhlmann while has a recess, the recess is filled with a magnet and a keeper. Yuji discloses a fishing float with a tube extending through a hollow sphere. Neither of these references have an open unfilled cavity since the cavity of Yuji is a closed cavity and if it were open, the float would no longer float since it would take water thereinto. Therefor, Kuhlmann and Yuji and any of the other cited references, alone or in combination, fail to disclose, teach or suggest a flotation body with an open unfilled cavity therein and a tube at least partially projecting into the cavity, as recited in claim 1.

An advantage of Applicants invention is that the open unfilled cavity allows for the movement of a fishing hook thereinto. Another advantage of Applicants invention is that the projection of the tube into the cavity allows for the positioning of the hook such that the point is not embedded into the fishing bobber. For the foregoing reasons, Applicant submits that claim 1, and claims 3-5 and 7 depending therefrom, are now in condition for allowance, which is hereby respectfully requested.

In further contrast claim 8, as amended, recites in part:

a flotation body with an open unfilled cavity therein; and

a tube at least partially projecting into said cavity.

(Emphasis added). Applicant submits that such an invention is neither taught, disclosed nor suggested by Kuhlmann, Yuji or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Kuhlmann discloses a fishing float with a magnetized ring magnet tightly fit within a recess with a keeper within an angular recess. Yuji discloses a fishing float with a pipe inserted in a water-tight manner with a closed hollow space surrounding the pipe. Kuhlmann while has a recess, the recess is filled with a magnet and a keeper. Yuji discloses a fishing float with a tube extending through a hollow sphere. Neither of these references have an open unfilled cavity since the cavity of Yuji is a closed cavity and if it were open, the float would no longer float since it would take water thereinto. Therefor, Kuhlmann and Yuji and any of the other cited references, alone or in combination, fail to disclose, teach or suggest a flotation body with an open unfilled cavity therein and a tube at least partially projecting into the cavity, as recited in claim 8.

An advantage of Applicant's invention is that the open unfilled cavity allows for the movement of a fishing hook thereinto. Another advantage of Applicant's invention is that the

projection of the tube into the cavity allows for the positioning of the hook such that the point is not embedded into the fishing bobber. For the foregoing reasons, Applicant submits that claim 8, and claims 10-13 and 15 depending therefrom, are now in condition for allowance, which is hereby respectfully requested.

Claims 2, 6, 9 and 14 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Kuhlmann. However, claims 2 and 6 depend from claim 1, and claims 9 and 14 depend from claim 8, and claims 1 and 8 have been placed in condition for allowance for the reasons given above. Accordingly, Applicants submit that claims 2, 6, 9 and 14 are now in condition for allowance, which is hereby respectfully requested.

Responsive to the rejection of claims 8 and 17 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 2,645,051 (Stofleth), Applicant has amended claim 8, and submits that claim 8 and claim 17 depending therefrom are now in condition for allowance.

Stofleth discloses a fishing tackle with a retrieving means combined therewith (Figs. 2-4). Bobber 18 includes a cork float 21, which is axially bored. The bore has a tubular stem 20 anchored therein with its end portions 22 and 24 projecting on the upper and lower ends of float 21. A reducing bushing 26 is provided and fitted telescopically into upper end portion 22 (column 3, lines 61-68).

In contrast claim 8, as amended, recites in part:

a flotation body with an open unfilled cavity therein; and

a tube at least partially projecting into said cavity

(Emphasis added). Applicant submits that such an invention is neither taught, disclosed nor suggested by Stofleth or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Stofleth discloses a fishing tackle with a tubular stem anchored therein and having an end portion projecting on the upper and lower ends of the float. Stofleth does not have an open unfilled cavity. Nor does Stofleth have a tube projects at least partially into an open unfilled cavity. Therefore, Stofleth and any of the other cited references, alone or in combination, fail to disclose, teach or suggest a flotation body with an open unfilled cavity therein and a tube at least partially into the cavity, as recited in claim 8.

An advantage of Applicant's invention is that the open unfilled cavity allows for the movement of a fishing hook thereinto. Another advantage of Applicant's invention is that the projection of the tube into the cavity allows for the positioning of the hook such that the point is not embedded into the fishing bobber. For the foregoing reasons, Applicant submits that claim 8 and claim 17 depending therefrom, are now in condition for allowance, which is hereby respectfully requested.

Responsive to the rejection of claims 18 and 19 under 35 U.S.C. §102(b) as being anticipated by Stofleth, Kuhlmann or Yuji, Applicant has amended claim 18 and submits that claim 18, and claim 19 depending therefrom, are now in condition for allowance.

Stofleth, Kuhlmann and Yuji are discussed above.

In contrast, claim 18, as amended, recites in part:

providing a fishing bobber having a flotation body with an open unfilled cavity therein and a tube at least partially projecting into said cavity;

(Emphasis added). Applicant submits that such an invention is neither taught, disclosed nor anticipated by Stofleth, Kuhlmann, Yuji or any of the other cited references, alone or in combination and includes distinct advantages thereover.

Kuhlmann discloses a fishing float with a recess that is filled with a magnet and a keeper. Yuji discloses a fishing float with a pipe secured in a water tight manner with a hollow space of a main body. Stofleth discloses a fishing bobber with a tube projecting therethrough. None of the cited prior art includes an open unfilled cavity. Nor, do the cited references include a tube that is projecting at least partially into the cavity. Therefore, Stofleth, Kuhlmann, Yuji and any of the other cited references, alone or in combination, fail to disclose, teach or suggest the step of providing a fishing bobber having a flotation body with an open unfilled cavity therein and a tube at least partially projecting into the cavity, as recited in claim 18.

An advantage of Applicant's invention is that the open unfilled cavity allows for the movement of a fishing hook thereinto. Another advantage of Applicant's invention is that the projection of the tube into the cavity allows for the positioning of the hook such that the point is not embedded into the fishing bobber. For the foregoing reasons, Applicants submits that claim 18, and claim 19 depending therefrom, are now in condition for allowance, which is hereby respectfully requested.

Claim 20 has been rejected under 35 U.S.C. §102(b) as being anticipated by Stofleth. However, claim 20 depends from claim 18, and claim 18 has been placed in condition for allowance for the reasons given above. Accordingly, Applicant submits that claim 20 is now in condition for allowance, which is hereby respectfully requested.

For the foregoing reasons, Applicant submits that the pending claims are definite and do particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Moreover, Applicant submits that no combination of the cited references teaches, discloses or suggests the subject matter of the amended claims. The pending claims are therefore

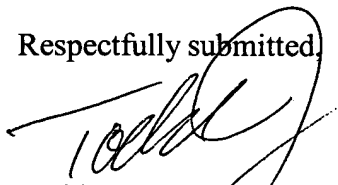


in condition for allowance, and Applicant respectfully requests withdrawal of all rejections and allowance of the claims.

In the event Applicant has overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicant hereby conditionally petitions therefor and authorizes that any charges be made to Deposit Account No. 20-0095, TAYLOR & AUST, P.C.

Should any question concerning any of the foregoing arise, the Examiner is invited to telephone the undersigned at (260) 897-3400.

Respectfully submitted,



Todd T. Taylor
Registration No. 36,945

Attorney for Applicant

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on: June 29, 2004.

Todd T. Taylor, Reg. No. 36,945

Name of Registered Representative



Signature

June 29, 2004

Date

TTT6/ar

TAYLOR & AUST, P.C.
142 S. Main Street
P.O. Box 560
Avilla, IN 46710
Telephone: 260-897-3400
Facsimile: 260-897-9300

Enc.: Return postcard